

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JAMES CHAFFEE,

Plaintiff,

vs.

SAN FRANCISCO LIBRARY
COMMISSION, et al.,

Defendants.

Case No: C 10-4521 SBA

**ORDER TO SHOW CAUSE RE
DISMISSAL**

This Court previously scheduled a telephonic Case Management Conference (“CMC”) for February 3, 2011, at 2:30 p.m., and ordered Plaintiff to set up the call with counsel for Defendants on the line. Dkt. 8. On or about February 2, 2011, Plaintiff, who is pro se, left a voicemail message for the Court’s Clerk stating that he was unilaterally cancelling the CMC. The Clerk returned Plaintiff’s telephone call early the following morning (using the telephone number listed in the docket) and informed him that he could not cancel a hearing scheduled by the Court. The Clerk further informed Plaintiff that if he failed to initiate the call as previously ordered, the Court would issue an Order to Show Cause why the instant action should not be dismissed. Although Plaintiff responded that he would initiate the call, he failed to do so. The failure to comply with the Federal Rules of Civil Procedure, the Local Rules of the Court or any Court Order is grounds for dismissal of this action under Federal Rule of Civil Procedure 41(b). See Ferdict v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). Accordingly,

IT IS HEREBY ORDERED THAT the parties shall show cause why the instant action should not be dismissed under Rule 41(b) for failure to comply with an Order of the Court. Within seven (7) days of the date this order is filed, the parties shall file a Certificate of Counsel to explain why the case should or should not be dismissed. The Certificate shall set forth the nature of the cause, its present status, the reason it has not been brought to trial or

1 otherwise terminated, any basis for opposing dismissal and its expected course if not dismissed.
2 FAILURE TO FULLY COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT
3 GROUNDS TO DISMISS THE ACTION, WITHOUT FURTHER NOTICE. Plaintiff may not
4 file any motions or other requests with the Court until he files his response to this Order.

5 IT IS SO ORDERED.

6 Dated: February 3, 2011


7 SAUNDRA BROWN ARMSTRONG
8 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 CHAFFEE et al,

5 Plaintiff,

6 v.

7 SAN FRANCISCO LIBRARY COMMISSION
8 et al,

9 Defendant.
10 _____/

Case Number: CV10-04521 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on February 4, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 James Chaffee
19 63 Stoneybrook Avenue
20 San Francisco, CA 94112

21 Dated: February 4, 2011

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk
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